

Message Text

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ACTION L-03

INFO OCT-01 EA-11 IO-13 ADP-00 COA-02 OIC-04 TRSE-00

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 SCEM-02

FMC-04 INT-08 JUSE-00 NSF-04 OMB-01 SCI-06 CEQ-02

CIAE-00 PM-07 H-02 INR-10 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-12 RSR-01 /173 W

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R 270605 Z JUN 73

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 1149

INFO USMISSION USUN NY

USMISSION GENEVA

AMEMBASSY DJAKARTA

AMEMBASSY WELLINGTON

CNO WASHDC

CINCPAC FOR POLAD

CINCPACFLT

CINCPACREP CANBERRA

C O N F I D E N T I A L CANBERRA 3528

E. O. 11652: GDS

TAGS: PBOR, AS

SUBJ: LOS: PREVIEW OF POSSIBLE GOA POSITIONS AT SUMMER
SESSION IN GENEVA

REF: A) STATE 103722 B) CANBERRA 3416 C) CANBERRA 3046

D) CANBERRA A-384 OF DEC. 15, 1972

1. BEGIN SUMMARY: LOOMES OF DFA TOLD EMBOFF JUNE 26 THAT GOA
REACHING SOME CONCLUSIONS WITH REGARD TO ITS
POSITION ON MAJOR LOS MATTERS FOR SUMMER SESSION. AMONG THESE
ARE AUSTRALIAN CONCEPT OF PATRIMONIAL SEA AND ITS LIMITS.
LOOMES NOTED GOA HAS ALREADY TAKEN POSITION FAVORING 12- MILE
TERRITORIAL SEA AND 200- MILE FISHING ZONE. END SUMMARY.

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2. AS REQUESTED REF A, EMBOFF CALLED ON LEGAL ADVISOR LOOMES, DEPARTMENT OF FOREIGN AFFAIRS, JUNE 26 TO ASK ABOUT STATUS OF GOA CONSIDERATION ON MAJOR LOS SUBJECTS. LOOMES WAS QUITE FORTH-COMING, INDICATING THAT HIS COMMENTS AT THIS STAGE WERE TENTATIVE ALTHOUGH HE EXPECTED THE " ODDS AND ENDS" OF THESE POSITIONS TO BE TIDIED UP AT INTER- DEPARTMENTAL MEETING TOWARD END OF THIS WEEK, AFTER WHICH MINISTERIAL AND EXECUTIVE COUNCIL APPROVAL FOR THESE POSITIONS WOULD BE SOUGHT.

3. MAJOR SUBJECTS AND LOOMES' COMMENTS ARE: A) PASSAGE THROUGH STRAITS AND ARCHIPELAGOS: LOOMES INDICATED GOA WAS SYMPATHETIC TO PROPOSITION THAT ARCHIPELAGIC STATES HAD RIGHT TO CONTROL MARINE ENVIRONMENT WITHIN AN ARCHIPELAGO. HE REFERRED TO PREVIOUS AUSTRALIAN THOUGHT THAT PASSAGE THROUGH ARCHIPELAGOS AND STRAITS COULD BE ACCOMMODATED BY MARKING OUT A SEA LANE FOR INTERNATIONAL PASSAGE. WHEN ASKED IF CONCEPT OF SEA LANE INCLUDED OVERFLIGHT RIGHTS, LOOMES ANSWERED IN THE AFFIRMATIVE. ON SUBJECT OF RECENT STATEMENT BY PRIME MINISTER WHITLAM STATING AUSTRALIA WOULD NOT SUPPORT IDEA THAT SUBMERGED SUBMARINES COULD PASS THROUGH STRAITS AND SEA LANES WITHOUT NOTIFICATION TO COUNTRIES INVOLVED, LOOMES SAID THIS WAS PRO-POSITION GOA FELT WAS REASONABLE BECAUSE FREE TRANSIT OF SUB-MERGED SUBMARINES WAS NOT ACCEPTABLE TO MAJORITY OF LOS DELEGATIONS. LOOMES EXPANDED A BIT ON AUSTRALIAN VIEW OF RIGHTS OF ARCHIPELAGIC STATES TO SAY GOA BELIEVED THESE STATES HAD RIGHT TO EXPLOIT RESOURCES OF SEABED WITHIN ARCHIPELAGO. LOOMES NOTED IN PASSING THAT MAJOR QUESTION TO BE RESOLVED WAS WHETHER MILITARY SHIPS COULD MAKE USE OF SEA LANES BY SIMPLY GIVING NOTIFICATION TO CONCERNED STATES OR IF PERMISSION FOR PASSAGE WOULD HAVE TO BE SOUGHT. B) ECONOMIC ZONE OR PATRIMONIAL SEA: LOOMES INDICATED AUSTRALIAN POSITION WAS LIKELY TO BE THAT AUSTRALIA WANTED AN ECONOMIC ZONE BEYOND THE TERRITORIAL SEA OUT TO 200 MILES OR TO THE EDGE OF THE CONTINENTAL SHELF, WHICHEVER IS FURTHEST FROM AUSTRALIAN SHORE. IN DISCUSSING THIS PROPOSITION, HE INDICATED THAT IN RECENT BILATERAL AGREEMENT WITH INDONESIA, AUSTRALIA HAD PROTECTED ITS RIGHTS IN THIS REGARD SINCE FINAL SEA BORDER BETWEEN THE TWO COUNTRIES WENT BEYOND EDGE OF CONTINENTAL SHELF ON AUSTRALIAN SIDE. IT WAS NOTED ALSO THAT THIS BORDER FROM AUSTRALIAN SIDE IN GENERAL WENT BEYOND 200 METRE DEPTH LINE (SEE REF D). C) TORRES STRAITS PROBLEM: LOOMES SAID GOA AND PNG

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GOVERNMENTS HAD HAD MEETING FEW WEEKS AGO ON SUBJECT OF BORDER. PAPUA NEW GUINEA POSITION IS THAT BORDER SHOULD FOLLOW CLOSELY LINE DRAWN AT 10 DEGREES SOUTH LATITUDE. AUSTRALIAN INTEREST, LOOMES SAID, WAS TO PROTECT AUSTRALIAN CONTROL OF GREAT NORTH-EAST PASSAGE THROUGH TORRES STRAITS WHICH IS NORTH OF THIS LINE OF LATITUDE. DEPTH OF CHANNEL IS NORMALLY ABOUT 35 FEET BUT COULD BE AS DEEP AS 40 FEET DURING CERTAIN TIDES. EGRESS FROM CHANNEL

WHEN SAILING FROM WEST TO EAST LEADS EITHER NORTH TOWARDS PNG OR SOUTH TOWARDS QUEENSLAND. FURTHER DISCUSSION WITH PNG GOVERNMENT ARE SCHEDULED FOR EARLY AUGUST.

4. LOOMES ALSO INDICATED HE HAD BEEN APPROACHED SEVERAL TIMES OVER PAST FEW MONTHS BY SPANISH AMBASSADOR WHO WISHED TO DISCUSS STRAITS PROBLEM, PARTICULARLY GIBRALTAR. LOOMES STATED HE HAD GOTTEN NOWHERE WITH AMBASSADOR WITH REGARD TO CONCEPT OF SEA LANE THROUGH STRAITS FOR INTERNATIONAL SHIPPING. LOOMES IMPLIED THAT HE HAD GIVEN NO ENCOURAGEMENT TO SPANISH AMBASSADOR WITH REGARD TO EXCLUSIVE RIGHT OF LITTORAL STATES TO DETERMINE CONDITIONS OF TRANSIT FOR MILITARY VESSELS AND OVERFLIGHTS OF STRAITS.

5. EMBOFF WILL SEEK ADDITIONAL INFORMATION NEXT WEEK AND REPORT SIGNIFICANT ITEMS.
GREEN

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*** Current Classification *** CONFIDENTIAL

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